

ENTERED

May 14, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

JANA REED, <i>individually and as</i>	§	
<i>Representative of the Estate of</i>	§	
<i>Christopher Reed and on behalf of A.R.,</i>	§	
ET AL.	§	
	§	CIVIL ACTION NO. 3:19-cv-00238
VS.	§	
	§	
MAERSK LINE, LIMITED, ET AL.	§	

**ORDER OVERRULING OBJECTIONS TO MAGISTRATE
JUDGE'S MAY 7, 2021 ORDER AND OPINION**


On December 10, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A). *See* Dkt. 85. On May 7, 2021, Judge Edison filed an Order and Opinion denying Maersk's Opposed Motion to Limit, or Alternatively withdraw from, Joint Stipulation Filed by Plaintiff (Dkt. 77). *See* Dkt. 112. Five days later, Maersk Line, Limited, filed its objections to Judge Edison's order and opinion. *See* Dkt. 113.

Discovery orders are non-dispositive pretrial orders. *See Castillo v. Frank*, 70 F.3d 382, 385 (5th Cir. 1995). *See also Treadway v. Otero*, No. 2:19-cv-244, 2020 WL 5905364, at *1 (S.D. Tex. Oct. 6, 2019). Objections to non-dispositive pretrial orders will be sustained only "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). *See also* FED. R. CIV. P. 72(a). The clear error standard is "highly deferential" and "the court [should] affirm the decision of the magistrate judge unless on the entire evidence [the court] is left with a definite and

firm conviction that a mistake has been committed.” *Baylor Health Care System v. Equitable Plan Servs., Inc.*, 955 F. Supp. 2d 678, 689 (N.D. Tex. 2013) (quotation omitted). The Seventh Circuit has explained that the error must be “more than just maybe or probably wrong,” but must be so egregious as to “strike us as wrong with the force of a five-week-old, unrefrigerated dead fish.” *Parts & Elec. Motors, Inc. v. Sterling Elec., Inc.*, 866 F.2d 228, 233 (7th Cir. 1988). This situation does not meet that standard.

Maersk’s objections are overruled.

Signed on Galveston Island this the 14th day of May 2021.


JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE